

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE**

THE PINES CHURCH, a Maine non-profit corporation; **Matt Gioia**, an individual;

Plaintiffs,

vs.

HERMON SCHOOL DEPARTMENT;

Defendant.

Civil Action No.: 1:23-cv-00214-LEW

**PLAINTIFFS' NOTICE REGARDING
SUPPLEMENTAL DISPOSITIVE MOTION
AND READINESS FOR TRIAL**

Plaintiffs The Pines Church and Pastor Matt Gioia (collectively, the "Church") respectfully submit this notice pursuant to this Court's Order, dated March 31, 2025. *See* ECF No. 97.

This case arises from the Hermon School Department's ("Defendant") unlawful religious discrimination against the Church, following the Church's request to use school facilities for religious worship services. On January 22, 2024, the Parties filed cross-motions for summary judgment. *See* ECF Nos. 27, 29. The Court denied both motions and set the matter for trial. *See* ECF No. 51, 52.

In denying summary judgment, the Court found genuine disputes of material fact, including "whether the school committee engaged in biased decision making based on Plaintiffs' religious beliefs" and "whether the school committee discriminated against Plaintiffs' access to a place of accommodation." *See* ECF No. 51, at 10, 24. The Court concluded that a jury must resolve these "competing characterizations of the Committee's motivations." *Id.* at 2. Notably, the Court observed:

Th[e] evidence certainly is probative of Plaintiffs' position that the School Committee's refusal to offer Plaintiffs a lease was motivated by unconstitutional considerations, such as animus toward the Church's orthodox religious beliefs. For its part, the School Department counters that the School Committee's decision, save for the one Committee member's bill of particulars put to the Pastor, simply resulted from humdrum, benign space and cost concerns, although that narrative is far from conclusive based on the summary judgment record.

Id. The central question underlying the Church’s Free Exercise, Free Speech, and Establishment Clause claims is whether Defendant denied the Church a reasonable rental term based on the School Committee’s perception of their religious beliefs or religion more broadly. The Court further noted that Plaintiffs may prevail by showing either that a majority of the Committee acted for improper reasons or, alternatively, by establishing “(a) bad motive on the part of at least a significant bloc of legislators, and (b) circumstances suggesting the probable complicity of others.” *Id.* at 16 (citing *Scott-Harris v. City of Fall River*, 134 F.3d 427, 438 (1st Cir. 1997)).

After discovering that Defendant failed to produce responsive materials during the initial discovery period, the Church moved to continue trial and reopen discovery. *See* ECF No. 79. The Court granted that request in part, setting a supplemental discovery deadline of June 6, 2025, and directing Plaintiffs to file a proffer regarding the viability of a supplemental dispositive motion by June 13, 2025. *See* ECF Nos. 86, 97.

Since then, the Parties have engaged in extensive supplemental discovery, including depositions, production of additional documents, discovery motions, and further interrogatories. This discovery has yielded substantial and highly material evidence that supports the Church’s claims and undermines the factual and legal bases of Defendant’s asserted defenses. Accordingly, the Church does not intend to seek leave to file a supplemental dispositive motion. Instead, the Church respectfully informs the Court of its readiness to proceed to trial with the benefit of this newly obtained evidence.

Respectfully submitted,

ADVOCATES FOR FAITH & FREEDOM

Dated: June 13, 2025

/s/ Julianne Fleischer

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